



The Florida House of Representatives

A brief history of ballot reform legislation

Following is a brief history of ballot reform legislation, proposing to alter s. 101.161, F.S., beginning in 1998:

1998:

HB 4297, sponsored by Tom Feeney, passed House 118-0, April 28, 1998. Senate did not take up matter. Intention was to protect Death Penalty Amendment approved that year.

Reforms proposed: clarify language, inserting "ballot summary" to conform law to common usage; increase 75-word limit to 150 words except for initiative proposals; review and revision of ballot language by Attorney General (then Democrat Bob Butterworth) with direct review by petition to the Supreme Court; petitioner challenging language would have to offer better language to prevail; court could select best language among various petitioners.

2000:

(Armstrong opinion had been pending for 6 months. Legislature did not feel comfortable about the outcome.)

HB 1955, sponsored by Judiciary Committee, finished 2nd reading in House. Senate rejected Webster amendment to companion bill, passed SB 2104 31-5 which was taken in substitute for HB 1955, and SB passed House 83-30.

Reforms proposed: Legislative ballot language would be "deemed to be clear and unambiguous for purposes of" s. 101.161; exempt ***legislative proposals from certain requirements including 75-word limit; rewrite language for local votes on whether or not to elect county and circuit judges.*** SB did not include first item listed. SB 2104, containing two bold-italicized issues, became law.

(NOTE: The 2000 bill allowed the 500-word ballot summary used for the 2002 revote on the 1998 Death Penalty amendment nullified by Armstrong. Armstrong was decided on Sept. 7, 2000, after the 2000 law was passed. The final House Staff analysis mentions Armstrong for the first time. All reforms prior to that decision were based on objective analysis of the increasingly strict application of the statute, evidenced in numerous advisory opinions on initiative proposals.)

2004:

Both House and Senate proposed major reforms respecting initiatives and other matters. A 60% requirement for voter approval was adopted and proposed by the Legislature by voters that year. A House Select Committee, chaired by Rep. Pickens proposed a number of reforms including ballot reform. A PCB was approved by the Procedures Council, Chaired by Allan Bense, but never filed. No Senate proposal related to s. 101.161.

Reforms proposed:

The Select Committee proposed ballot and voter information changes including: bi-partisan commission to write or review and reform ballot language; group proposals on the ballot by type of sponsor (legislative, revision commission, citizen initiative); publication of a voter information guide containing both objective explanations and articulate pro- and con- arguments. *(Testimony to the committee indicated that many voters assume some official endorsement of a proposal by the fact that it appears on the ballot. The committee concluded that misunderstanding could be overcome that better voter education and reorganization of the ballot, to differentiate between various methods of proposal.)*

The PCB proposed related changes: an administrative process for drafting and reviewing all state question ballot titles and summaries, including a bi-partisan commission to make recommendations; grouping amendments on general election ballots identifying the method that each group of proposals was submitted; redrafted s. 101.161 with this altered content standard: "a ballot summary describing the substance of such amendment...printed in clear and unambiguous language"; allowed exceptions from 75-word limit when necessary to legally describe amendment; publishing a voter information guide. (The bill treated all forms of amendments the same, allowed initiative sponsors to get language correct before they began circulating petition.)

2005:

HB 1471, sponsored by Dudley Goodlette was stripped of ballot reforms in the first committee.

Reforms proposed:

As filed, HB 1471 included a revision of the proposals contained in the 2004 PCB described above.

NOTE: All reform proposals listed above preserved judicial review. The proposals allowing executive adoption or revision of ballot language (1998, 2004, 2005) allowed direct appellate review, Supreme Court in the 1998 bill, and the District Court of Appeal (usual review of administrative action) in the 2004 and 2005 proposals.